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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,215	04/26/2006	Nozomu Tanaka	080306.57204US	8184

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EXAMINER
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UNDERWOOD, DONALD W

ART UNIT	PAPER NUMBER
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3652

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06/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,215	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> Donald Underwood	<b>Art Unit</b> 3652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>010406&amp;042606</u> .                                       | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

The specification is objected to as being unclear. The brackets in lines 21 and 22 on page 19, in lines 6 and 7 on page 21, in lines 8 and 9 on page 22, in lines 6 and 7 on page 24, in lines 20 and 21 on page 26, in lines 13 and 14 on page 28 and in lines 15 and 16 on page 29 beg the question Should these lines be deleted? The lines or the brackets should be deleted. Also Roman numeral one in line 5 on page 20 should be deleted.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 6, 11 and 17, the phrases "being to be arranged" and "joined each other" render these claims indefinite. It is unclear what these phrases mean. Clarification is required.

Regarding claims 2, 7 and 12, the phrase "plug-in structure portions" renders these claims indefinite. It is unclear what type of structure is being claimed. Claims 3, 9 and 13 obviate this deficiency.

Regarding claim 8, the phrase "outer than a swing-circle-mounting surface" renders the claim indefinite. It is unclear what this phrase means. Clarification is

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required. At best this phrase should be correlated with the bottom plate in the parent claim.

Regarding claim 15, "I-beams" should be correlated with the plates in claim 11.

Regarding claim 16, it is unclear what comprises neutral axes. These axes should be defined relative to the claimed structure.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese reference 292428.

Note particularly the holes and tabs in figures 8 and 9 and elements 20K, 20D, 20B and 20H in the reference.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar in view of Savoy, et al.

It would have been obvious to connect 62, 64 and 86 in Apgar as claimed in view of the teaching in Savoy (column 1, line 66 and 67 and column 2, lines 1-38).

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin, et al. in view of Savoy, et al.

It would have been obvious to connect P1, P2 and 70 in Godwin as claimed in view of the teaching in Savoy (column 1, lines 66 and 67 and column 2, lines 1-38).

Claims 11-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 240102 in view of Japanese reference 292428.

It would have been obvious to attach engine brackets 48 and side plates 75 in Japanese reference 240102 with holes and lugs in view of the teaching in Japanese reference 292428 (figures 8 and 9).

Regarding claim 16, the location of the holes and lugs would have been an obvious matter of design and/or choice with one location providing no unobvious result over another.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 240102 in view of Japanese reference 292428 as applied to claim

11 above, and further in view of Japanese reference 082705 or Japanese reference 064353.

It would have been obvious to substitute an I-beam as taught by Japanese reference 082705 figure 2 or Japanese reference 064353 figure 2 for the off-set beams in Japanese reference 240102 figure 6.

Claims 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 082705 in view of Japanese reference 292428.

It would have been obvious to provide openings in flanges 17 and 18 and lugs on plates 13 and 14, all in Japanese reference 082705, in view of the teaching in Japanese reference 292428 (figures 8 and 9).

Regarding claim 21, the shape of the hole would have been an obvious matter of design and/or choice since one shape would provide no unobvious result over another.

Claims 5, 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Underwood whose telephone number is 571-272-6933. The examiner can normally be reached on Mon-Thursday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald Underwood/  
Primary Examiner, Art Unit 3652

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